IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE M.NARAYANA REDDY

WRIT APPEAL No. 1744 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 12/10/2004 in WP No. 13667 OF 2004 on the file of the High Court.)

Between:

1.S.Malla Reddy, s/o S.Venkat Reddy,
H.No.13-6-343, Ramsinghpura, Karwan, Hyderabad-67.
2. K.Rajender Reddy, s/o K.Narsi Reddy,
H.No.6-124, Bhavani Nagar, Opp:Santosh Nagar, Hyderabad-659.
3. B.Sravan Kumar, s/o late B.Kondaiah,
H.No.6-3-172, Prem Nagar, Khairthabad, Hyderabad-4.
4. T.Krishna, s/o T.Moghlaiah,
H.No.F/14, 2-4-761, Ramgopalpet, Nallagutta, Secunderabad-500 003.
5. M.Raju, s/o M.Rajaiah,
H.No.18-7-455/189, Patel Nagar, Gowlipura, Uppuguda, Hyderabad-53.

..... APPELLANTS

AND

1. The Director, Professor G.Rami Reddy Centre for Distance Education, Under Open University System,
Osmania University, Hyderabad.
2. The Registrar, Osmania University, Osmania University Campus, Hyderabad.
3. The Commissioner for Higher Education, Government of A.P., Hyderabad.
4. The Principal Secretary to Government, In-charge of Higher Education, Government of Andhra Pradesh, Hyderabad.
5.The Controller of Examinations, Osmania University, Hyderabad.
6. The University Grants Commission, represented by its Additional Secretary, Bahadur Shah Zafah Marg, New Delhi-2.

.....RESPONDENTS

Counsel for the Appellants: Mr. A.HANUMANTHA REDDY

Counsel for Respondent Nos.1,2 &5: Mr.Deepak Bhattacharjee

Counsel for Respondents 3 &4: G.P. for Education

Counsel for Respondent No.6: Mr.P.Chandrasekhar Reddy

Addl. S.C. for Central Government

The Court made the following :

ORAL JUDGMENT:

(per Honourable Sri Devinder Gupta, the Chief Justice)

The petitioner-appellants have joined the course during the academic years 1994-96 offered by the respondent-University by way of distant education under Open University System. Petitioners' case is that they have cleared 16 and 17 subjects out of 18 subjects and are yet to qualify only one or two papers, but, are not being permitted by the respondent-University to appear in the examinations, and, thus, sought direction against respondents to permit the petitioners to complete their course by appearing in one/two examinations so as to enable them to qualify in the course in question. Writ Petition was opposed and the learned Single Judge dismissed the Writ Petition on the ground that the University had taken a decision having regard to the directions issued by the University Grants Commission, which action of respondent-University was upheld by a Division Bench of this Court, and, before discontinuance of the course, the University also considered the hardship of old students who were yet to complete their course, by providing them with two chances. The petitioner-appellants availed of those chances, but could not qualify in all the papers. Therefore, there is no equity in favour of the petitioner-appellants.

Having heard the learned counsel for parties, we are of the view that there is hardly any force in the Appeal. There is no vested right in the appellants to complete the course. It was subject to regulations of the University. The University Grants

Commission had, as far back as in 1997, deprecated the practice of such courses being conducted, and, as a result, the University took a decision to discontinue the course. It was challenged before the learned Single Judge of this Court in a Writ Petition, and, the Writ Petition was allowed. But, the Division Bench set aside the judgment of the learned Single Judge and dismissed the Writ petition. Then, the plea of 'legitimate expectation' was turned down. However, direction was issued for providing one last chance to the students and pursuant to the said order, instead of one chance, two chances were allowed to those who have not completed the course. The petitioner-appellants have also availed of the chances, but have not been able to clear all the subjects. Thus, there is no right vested in the appellants and the learned Single Judge rightly dismissed the writ petition.

The Writ Appeal, therefore, stands dismissed. No costs.

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DEVINDER GUPTA, C.J.

8.2.2005.

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M.NARAYANA REDDY, J.

VR.

To

1. The Director, Professor G.Rami Reddy Centre for Distance Education, Under Open University System,
Osmania University, Hyderabad.
2. The Registrar, Osmania University, Osmania University Campus, Hyderabad.
3. The Commissioner for Higher Education, Government of A.P., Hyderabad.
4. The Principal Secretary to Government, In-charge of Higher
Education, Government of Andhra Pradesh, Hyderabad.
5.The Controller of Examinations, Osmania University, Hyderabad.
6. The Additional Secretary, University Grants Commission, Bahadur Shah Zafah Marg, New Delhi-2.

7. Two CCs to Government Pleader for Education, High Court Buildings, Hyderabad (OUT).

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